

## MEMO ENDORSED

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Jofaz Transportation, Inc. and Y&M Transport Corp.,

Plaintiffs,

v.

Local 854 Pension Fund,

Defendant.

Case No. 7:22-cv-3455-CS-VR

**JOINT STIPULATION TO  
STAY LAWSUIT**

WHEREAS:

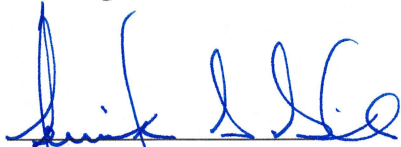
1. Plaintiffs Jofaz Transportation, Inc. and Y&M Transport Corp. filed the Complaint in the above-captioned action on April 28, 2022 (ECF No. 1);
2. Defendant Local 854 Pension Fund is currently defending another case, *Mar-Can Trans. Co. Inc. v. Local 854 Pension Fund*, No. 20-cv-8743-CS-VR (S.D.N.Y.) (“*Mar-Can*”), which involves similar legal and factual issues;
3. In recognition of those similarities, during a status conference before Magistrate Judge Davison, the parties committed to meet-and-confer after summary judgment briefing was completed in *Mar-Can*, and advise the Court of their positions as to whether to request a stay of discovery or proceed to expert discovery and summary judgment;
4. By letter dated June 5, 2023 (ECF No. 23), the parties requested that the Court grant them additional time to submit their joint status letter and that case management end dates (e.g., deadlines to complete depositions and fact discovery) be effectively stayed pending the parties’ report and recommendation;

5. By Order dated June 6, 2023 (ECF No. 24), the Court directed the parties to submit a joint status letter with a proposed stipulation for a stay or a proposed updated case management plan by August 4, 2023.

**NOW, THEREFORE, Plaintiffs and Defendant hereby stipulate and agree that:**

**(i) the fact discovery end date, deadline for completing depositions, and expert discovery end date are stayed pending the Court's resolution of the summary judgment motions in the *Mar-Can* action; and (ii) within 30 days thereafter, the parties shall submit a joint status letter to the Court proposing a new case management order.**

By:

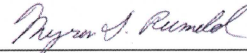
  
Jennifer S. Smith

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**APPLICATION GRANTED.** The deadlines for fact discovery, completion of depositions, and expert discovery are stayed pending the Court's resolution of the summary judgment motions pending in *Mar-Can Transp. Co. v. Loc. 854 Pension Fund*, S.D.N.Y. 20-cv-8743. The parties are directed to submit a joint status letter and a revised proposed case management plan within 30 days after the Court's summary judgment decision in *Mar-Can*.

SO ORDERED.



Hon. Victoria Reznik, U.S.M.J.

Dated: August 4, 2023